

SOUTHERN DISTRICT OF NEW YORK

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BENTHOS MASTER FUND, LTD,

<b>USDC SDNY</b>
<b>DOCUMENT</b>
<b>ELECTRONICALLY FILED</b>
<b>DOC #:</b> _____
<b>DATE FILED:</b> <u>3/22/2022</u>

Petitioner,

ORDER

-against-

**20-CV-3384 (AJN) (KHP)**

AARON ETRA,

Respondent.

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**KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE**

The Court is in receipt of a letter that was emailed to Chambers from the Defendant.

The Defendant has been warned before (see ECF No. 70) that all communications with the Court need to be filed with the pro se office. Ex parte communications with Chambers is wholly inappropriate. Accordingly, attached to this Order is Defendant's letter. Plaintiff has three business days to respond to the letter.

**The Petitioner is directed to serve this order on the Respondent.**

**SO ORDERED.**

Dated: March 22, 2022  
New York, New York

*Katharine H Parker*

**KATHARINE H. PARKER**  
United States Magistrate Judge

Aaron Etra  
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March 22, 2022

((Via Email)

United States Magistrate Judge Katharine H. Parker  
United States District Court  
Southern District of New York  
U.S. Courthouse  
500 Pearl Street  
New York, NY 10007

Re: Benthos Master Fund, Ltd. v. Aaron Etra, 20-Civ-3384 (AJN) (KHP)

Urgent Request for Extension of time to file objections to and otherwise respond to the Order of March 14, 2022 and to Obtain the Court's Guidance and Assistance in Finding or Having a Public Defender Appointed.

Dear Judge Parker,

While the purpose of this letter is to request an extension of time to file objections and otherwise respond to the above-referenced order in seeking the Court's guidance and assistance in obtaining or having appointed a Public Defender for this purpose, I would like to respectfully share with the Court that I was deeply shocked by the contents and import of this lengthy and complex Order, and the suggestion that somehow I was involved in a scam and that this matter would be referred to the US Attorney's Office. I am still not recovered from the Shingles, remain under medical supervision for hematological and dermatological conditions, and the new stress brought on by the Order has exacerbated them.

It has always been my sworn position, supported by the facts and evidence, that in response to the unfortunate situation that the parties found themselves in back in 2018 through no fault of mine, that my actions from that moment and until the present were for the benefit of the parties only, including Benthos, and were not those of a person involved in a scam. I worked selflessly and without any compensation or expense remuneration (which remains true to today) with Benthos management for months after the problem developed. When Benthos turned to counsel, I went through long depositions and supplied voluminous amounts of documents in the failed effort by Plaintiff's counsel before the late Judge Batts, to incarcerate me. I have continued to cooperate with Judge Nathan and yourself to the best of my ability, with four years of subpoenas and motions from a three person litigation team that so clearly has no purpose or result other than to injure me and make me incapable of doing what will ultimately benefit their client, which is to fund the settlement mandated by Judge Nathan.

These good faith efforts continued even during COVID when most of the banks were closed, and with access and my ability to reach out to them still limited, doing all this while dealing with my ongoing health issues and deteriorating financial condition caused by the actions of Plaintiff's counsel.

Most relevantly to the directions of Judge Nathan and the true benefit to Benthos, I have respectfully asked Plaintiff's counsel and this Court to let me focus my efforts on funding the Settlement agreed through the efforts of Your Honor, rather than round after round of Motions and Subpoenas served on anyone Plaintiff's counsel indiscriminately chooses, leading nowhere for Benthos and only more injury to me, while severely limiting my own ability and the voluntary efforts of others willing to help, to acquire the settlement funds that WOULD benefit Benthos and not cost them the mounting legal fees of Plaintiff's counsel's multi-lawyer team, and harassing them to the point that they find it is easier to withdraw their voluntary support.

I also understood after reading the Order that much of the significant evidence that was before Judge Batts, was not before Your Honor while considering this motion, and one can only hope that when the objections and other responses are submitted with this information, that Your Honor will see that I fully and legally complied with my responsibilities to Benthos under the Escrow Agreements, and had their knowledge and approval of what I needed to do and did. All evidence of that and the wire information as to where the funds were sent also was fully provided to Benthos counsel several years ago in conjunction with the discovery and deposition procedures in the motion practice before Judge Batts, which would again be provided to Your Honor, now that I am aware that this evidence was apparently not seen by Your Honor.

Most significantly, let me point out that this evidence, nor any other input from me or any other party to the transaction, was NOT before the Arbitrator, since Benthos's counsel refused my reasonable request to have the other parties participate in the arbitration. Rather, Plaintiff's counsel decided to attack, and convinced an arbitrator to decide, against only an innocent services provider, me, who was contractually to be indemnified, who should not have been accused of misfeasance, which he did not do, and whose evidence was not requested or received. The award and judgment based on it is so clearly flawed and enforcement action based on it has further made clear that I was not benefitting in any way, let alone being party to a scam. I have suffered not benefitted every day since August 2018.

In view of this Order being so complex and encompassing so many issues with such severe consequences, I need serious legal help for the objections and other material to be prepared including the legal research and proper responses called for. While I have been an attorney for years, I have no litigation experience whatsoever, nor experience with the required legal writing, nor tools for legal research, nor secretarial assistance. My career has been devoted to assisting with humanitarian causes and not litigation and my finances have been severely diminished by the efforts of Plaintiff's counsel in causing accounts to be closed and frozen during four years.

I have never been a scammer and never will be. I believe the Court should be able to conclude this from my public and professional record, of which I am proud, as well as what I have already submitted, and will further submit with the assistance of counsel if provided to me. Also, it is essential that I have counsel to remove any smear of being a scammer, because not only will it be undeservedly injurious to my hard-earned reputation and honor for the rest of my life, but also, it makes the opportunities for assembling funds for Bentho nearly impossible.

As this Court is aware, I am almost eighty-one years of age, require constant medical care, and continue to suffer attacks on my reputation, family standing and financial condition stemming from this case, and deterioration in both my medical health and my basic living conditions, the evidence of which has already been provided to your Honor and the Plaintiff's counsel showing the consequences of that deterioration.

This is an urgent matter that needs to be handled by a professional litigator. In a prior effort to obtain the assistance of the same lawyer who represented me in front of Judge Batts in 2018-2019, this lawyer, in turning me down, told me that even if I had money to pay him (which he knew I had such limited funds), he would not have taken the case because plaintiff's counsel threatened to attack him if he would provide me further legal assistance. Therefore, as difficult as it has been for me, handling this matter as a *pro se* litigant thus far was my only option.

Now that the matter has gotten so complex and such severe penalties have been proposed, I find myself lost in these complexities as my limited knowledge and ability can now cause even more devastating and undeserved results, especially when, in spite of my failing health and limited resources, I believe that I have done the best I could in what was required of me, especially in light of the true facts here, and this probably would have and, hopefully, will be, more effectively and appropriately dealt with the assistance of a qualified litigator. Therefore, I respectfully ask leave of the Court for guidance and assistance to either find a Public Defender, or alternatively, for the Court to appoint a Public Defender, and once found, or appointed, for the Public Defender to have adequate time to consult with me and properly research and prepare objections and other responses to this Court's Order on my behalf. I have not asked for this assistance until now, trusting that the Court would direct the parties to follow Judge Nathan's directions to achieve a settlement, the terms of which have been agreed and the ability to do so is more achievable while there is a period of improving conditions between spikes of Covid variants.

I believe that being some 81 years of age, under constant medical care, with no litigation experience, no access or tools for legal research or writing, nor secretarial assistance, and with limited finances, unpaid bills, and facing eviction, that such factors would warrant this Court's urgent guidance and assistance in obtaining and/or for the appointment for a Public Defender and to provide the time for working with such counsel in responding to everything in the Order.

Respectfully submitted,



Aaron Etra

cc. S. Popofsky, Esq.; P. Fredericks, Esq.